ABSTRAK

Perlindungan Data Pribadi Anak di Dunia Digital Berdasarkan Ketentuan Nasional dan Internasional.

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Anak merupakan pengguna teknologi yang sangat rentan menjadi korban kejahatan data pribadi di dunia digital seperti kejahatan *bullying*, penipuan, pencurian, eksploitasi hingga penculikan yang berujung pada perdagangan orang. Ruang lingkup dan rumusan masalah penelitian ini menitikberatkan pada bagaimanakah perlindungan data pribadi anak di dunia digital berdasarkan ketentuan internasional dan nasional yang ada saat ini. Metode yang digunakan dalam penulisan ini adalah metode yuridis-normatif-komparatif *(juridicial-normative-comparative legal research).*

Penelitian menunjukkan *Convention on The Rights of Child 1989* tidak mengatur tentang data pribadi anak di dunia digital secara komprehensif. Pengaturan terkait perlindungan data pribadi anak di dunia digital dibahas lebih rinci dalam *international guidelines* yang diterbitkan oleh beberapa organisasi internasional seperti *Organisation For Economic Co-operation And Development, Asia Pacific Economic Cooperation*, dan *International Telecommunication Union* yang merekomendasikan Negara untuk membuat sistem manajemen dan peraturan khusus perlindungan data pribadi anak.

Indonesia sudah memiliki seperangkat aturan sebagai dasar hukum dalam melindungi hak anak di dunia digital, diantaranya Undang-undang Nomor 35 Tahun 2014 tentang Perubahan Undang-Undang No 23 Tahun 2002 tentang Perlindungan Anak, Undang-undang Nomor 19 Tahun 2016 tentang Perubahan atas Undang-undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Peraturan Menteri Kominfo Nomor 20 Tahun 2016 tentang Perlindungan Data Pribadi, dan Peraturan Pemerintah Nomor 43 Tahun 2017 tentang Pelaksanaan Restitusi bagi Anak yang Menjadi Korban Tindak Pidana.
Berdasarkan peraturan tersebut, Pemerintah bersifat pasif dalam melindungi data pribadi anak di dunia digital. Selanjutnya, aturan nasional yang berlaku saat ini juga belum mengatur data pribadi anak di dunia digital secara komprehensif.

Kata kunci: Perlindungan, Anak, Data pribadi, Ketentuan, Internasional, Nasional.

ABSTRACT

Protection of Children's Personal Data in the Digital World Based on National and International Policies.

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Children are technology users who are very vulnerable to becoming victims of crime in the digital world such as bullying, fraud, theft, exploitation and abduction which leads to the trafficking of people. The scope and formulation of the problems in this research is restricted only on how the current international and national provisions protect children's personal data in digital world. The method used in this paper is a juridicial-normative comparative legal research method.

Research shows that the Convention on the Rights of Child Convention 1989 does not regulate the children's personal data in the digital world comprehensively. The regulation of children's personal data is regulated more detail in international guidelines issued by several international organizations such as the Organization for Economic Co-operation and Development, Asia Pacific Economic Cooperation, and the International Telecommunication Union which recommend the State to make managament system and spesific rule for children's personal data protection.

Indonesia has a set of legal rules that are used as a basis in protecting children's rights in the digital world, including Law Number 35 of 2014 concerning Amendment to Law No. 23 of 2002 concerning Protection Children, Law Number 19 Year 2016 concerning Amendments to Law Number 11 Year 2008 concerning Electronic Information and Transactions, Minister of Communication and Information Regulation Number 20 Year 2016 concerning Protection Personal Data, and Government Regulation Number 43 of 2017 concerning the Implementation of Restitution for Children Who Become Victims of Crime.
Based on these rules, the protection of children's personal data in the digital world, the Government act passively in protecting children's personal data in digital world. The current national law shows that children's personal data is still not comprehensively regulated.

Keywords: Protection, Children, Personal Data, Provision, International, National.